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DEPARTMENT OF STATE

Washington, D.C. 20520

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BUREAU OF OCEANS AND INTERNATIONAL
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EXPORT/IMPORT
AND
INTERNATIONAL SFGROS

Mr. James R. Shea
Director of International Programs
United States Nuclear Regulatory Commission
Room 7814 - MNBB
Bethesda, Maryland

X B001054
Amend. 02
11000852

Dear Mr. Shea:

I refer to the letter from your office dated January 3, 1980, requesting Executive Branch views as to whether addition of East Germany to the list of countries authorized to receive re-exports from the U.K. in accordance with the export license hereinafter described would be inimical to the common defense and security of the United States, and whether the proposed export meets the applicable criteria in the Atomic Energy Act as amended by the Nuclear Non-Proliferation Act of 1978:

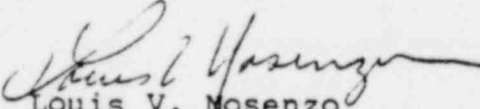
NRC No. XB001054 -- Application by Edlow International Company for authorization to export to the United Kingdom 6.5 milligrams of Californium-252 as cermet wire for re-export to various countries for reactor start-up, mineral exploration, nuclear material assay, moisture gauging, reactor experimentation etc.

It is the opinion of the Executive Branch that the proposed export may be made without being subject to the terms of an Agreement for Cooperation since byproduct material may be licensed under Sections 81 and 82 of the Atomic Energy Act without the prerequisite of a Section 123 Agreement. Further, it is the judgment of the Executive Branch that the byproduct material re-export from the U.K. to the German Democratic Republic will not be inimical to the common defense and security of the United States, provided that: 1) the re-export does not exceed 1 milligram of material; and 2) no re-exports from the German Democratic Republic to Cuba, Kampuchea, North Korea, Vietnam, Pakistan, Libya, Iraq, South Africa, Iran, India and Israel are made without the prior approval of the United States.

The Executive Branch has concluded that the export is consistent with the provisions of the Atomic Energy Act of 1954, as amended by the Nuclear Non-Proliferation Act of 1978. A detailed Analysis is believed unnecessary because of the small quantity of material involved.

On the basis of the foregoing, the Executive Branch recommends that the license be amended to add the German Democratic Republic to the list of authorized ultimate consignees.

Sincerely,


Louis V. Mosenzo
Deputy Assistant Secretary